

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

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UNITED STATES OF AMERICA,

Plaintiff(s),

vs.

FRANCISCO CRUZ,

Defendant(s).

Case No. 2:09-cr-00456-RLH-RJJ

ORDER

(Emergency 3582(c)(2) Motion Requesting
A Sentence Reduction – #53)

The Defendant has filed an Emergency 3582(c)(2) Motion Requesting A Sentence Reduction Pursuant to Amendment 782 of the Sentencing Guidelines Authorizing District Courts to Consider Retroactive Two-Point Sentence Reduction for Drug Trafficking Crimes (#53, filed November 3, 2014) seeking Discretionary Relief pursuant to 18 U.S.C. § 3582(c)(2). Accordingly,

IT IS HEREBY ORDERED that the Federal Public Defender is appointed as counsel to represent the Defendant unless the Federal Public Defender declines the appointment, on the basis of a conflict, no later than fourteen (14) days from the date of this Order.

IT IS FURTHER ORDERED that the Clerk of Court shall distribute a copy of the document filed by the Defendant to the Federal Public Defender, the United States Attorney, and the U.S. Probation Office forthwith.

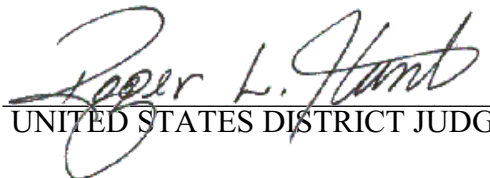
IT IS FURTHER ORDERED that the Probation Office shall provide the counsel for the defendant and the government with the Defendant's Presentence Report; shall generate the Defendant's current Inmate Profile (also known as a "Sentry Report"); and shall prepare a Supplemental

1 Presentence Report addressing whether, in the Probation Office's assessment, the Defendant is
2 statutorily eligible for a sentence reduction pursuant to Guidelines Amendment 782, and further
3 advising the Court of the applicable and recommended guideline range. The Probation Office will
4 serve the Presentence Report and Supplemental Presentence Report on the Federal Public Defender,
5 the United States Attorney, and the Court, and shall be prepared to meet and confer with the Federal
6 Public Defender and the United States Attorney to discuss the Sentry Report, within thirty (30) days
7 of the date of this Order.

8 IT IS FURTHER ORDERED that the United States Attorney or the Federal Public Defender
9 may, within thirty (30) days after receiving those Reports from the Probation Office, request that the
10 Probation Office provide the Defendant's Progress Report and Disciplinary Records from the Bureau
11 of Prisons. If the United States Attorney or the Federal Public Defender makes such a request, the
12 Progress Report and Disciplinary Records shall be served on the Federal Public Defender, the United
13 States Attorney, and the Court within thirty (30) days after receiving the request unless for good
14 cause the time is extended.

15 IT IS FURTHER ORDERED that the Federal Public Defender shall, within 120 days of this
16 Order, file any appropriate motion or stipulation. If the Federal Public Defender files a motion for a
17 sentence reduction pursuant to Guidelines Amendment 782, the United States Attorney shall serve
18 any response to such motion within thirty (30) days of the filing of that motion unless for good cause
19 the time is extended.

20 Dated: November 5, 2014.

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22 UNITED STATES DISTRICT JUDGE
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